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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

STATE OF OREGON; STATE OF NEW
YORK; STATE OF COLORADO; STATE
OF CONNECTICUT; STATE OF
DELAWARE; DISTRICT OF COLUMBIA;
STATE OF HAWAII; STATE OF ILLINOIS;
STATE OF MARYLAND;
COMMONWEALTH OF
MASSACHUSETTS; STATE OF
MICHIGAN; STATE OF MINNESOTA;
STATE OF NEVADA; STATE OF NEW
JERSEY; STATE OF NEW MEXICO;
STATE OF NORTH CAROLINA;
COMMONWEALTH OF PENNSYLVANIA;
STATE OF RHODE ISLAND; STATE OF
VERMONT; COMMONWEALTH OF
VIRGINIA; and STATE OF WISCONSIN,

Plaintiffs,

v.

Case No. 6:19-cv-00317-MC

DECLARATION OF DR. NICOLE
ALEXANDER-SCOTT, DIRECTOR
OF RHODE ISLAND
DEPARTMENT OF HEALTH, IN
SUPPORT OF
STATES' MOTION FOR
PRELIMINARY INJUNCTION

ALEX M. AZAR II, in his official capacity as
Secretary of Health and Human Services;
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
DIANE FOLEY, in her official capacity as the
Deputy Assistant Secretary, Office of
Population Affairs; and the OFFICE OF
POPULATION AFFAIRS,

Defendants.

I, NICOLE ALEXANDER-SCOTT, MD, MPH, declare under penalty of perjury that the following is true and correct and of my own personal knowledge:

1. I have served as the Director of the Rhode Island Department of Health (“RIDOH”) since 2015. As the Director, I have established the following three leading priorities for RIDOH: (1) addressing the socioeconomic and environmental determinants of health; (2) eliminating disparities of health and promoting health equity; and (3) ensuring access to quality health services for all Rhode Islanders, including the state’s vulnerable populations.

2. RIDOH is Rhode Island’s sole Title X grantee.

3. RIDOH was awarded \$2,725,000 in Title X funds for family planning program services for project period April 1, 2016 thru August 31, 2018.

4. RIDOH was awarded a Title X Grant in the amount of \$31,500 for Ensuring Access To Quality Family Planning Services during the fiscal year ending June 30, 2017 for funding outreach to low income men and women.

5. Rhode Island has seen an increase in Title X recipients. In 2018, there were 26 Title X service sites in the State. The number of service sites increased from 23 sites in 2017.

6. One Title X service site, Providence Health Center operated by Planned Parenthood of Southern New England, provides abortion services.

7. For the Title X project period of April 1, 2017 to March 31, 2018, the Providence Health Center was awarded \$35,000 in Title X funds to provide comprehensive family planning services and served a wide range of individuals, including 1,328 teens.

8. All 26 Title X service sites provide non-directive pregnancy options counseling and referral to abortion providers upon the request of the patient.

9. 29,098 clients were served by Title X service sites in 2018, serving over 2,300 more clients than in 2017 (26,789). Of the clients served in 2018, 62% received Medicaid. 26% had private insurance, and 12% were uninsured.

10. Out of the 29,098 Title X clients served in 2018, 79% were women.

11. In 2018, RIDOH's Title X service sites provided 41,719 family planning visits; 7,952 pregnancy tests; 6,682 HIV Tests; 12,674 chlamydia tests; 6,147 breast exams; and 3,260 pap smears. Reducing the availability and accessibility of Title X services will impact rates of unintended pregnancy, abortion, sexually transmitted infections (STIs), and associated reproductive and sexual health outcomes. Increased rates of unintended pregnancy and STIs could result in increased cost burden to the state.

12. All women receiving a pregnancy test are offered non-directive pregnancy options counseling and appropriate follow-up referral. Prohibitions on abortion referral will impact clinical providers' ability to provide appropriate follow-up even if an abortion referral is specifically requested by the patient. Prohibiting abortion referrals will impact women's ability to access safe abortion services. With Title X restrictions on abortion referrals, many Title X providers may cease participating in the program. This includes Planned Parenthood, which has indicated it will no longer participate in the program if the Rule takes effect. RIDOH Title X service sites serve as critical safety net providers. Any loss of Title X service sites would significantly impact access to care, particularly for individuals in need of publicly funded reproductive healthcare services. Rhode Island does not have state funding dedicated specifically to family planning.

13. In 2015, Rhode Island Title X service sites averted an estimated 5,500 unintended pregnancies, 2,600 unplanned births, and 1,900 abortions.

14. In Rhode Island, 44% of pregnancies are unintended and 71,320 women are in need of publicly funded contraceptive services. As of December 2018, the percentage of need met by publicly supported providers in Rhode Island was only 35%, of which 32% was provided by Title X clinics.

15. Rhode Island law, and RIDOH regulations, specifically exclude Title X providers from providing elective abortion services with the Title X funds. *See* Rhode Island General Laws §23-13-21(c); 216-RICR-20-05-2.4.2 ("Provider Requirements").

16. RIDOH regulations require Title X providers to provide services in accordance with Title X Family Planning Guidelines, 42 C.F.R., part 59 subpart (A)(2014). *See* 216-RICR-20-05-2.2, 216-RICR-20-05-2.4.3(A)(1).


17. Title X does not, and never has, funded abortion services in Rhode Island.

18. In order to remain in the Title X program as a grantee under the new Title X regulations, RIDOH and Title X service sites would have to come into compliance with the gag requirement by May 3, 2019, and would have to come into compliance with the physical separation requirements by March 4, 2020.

19. Such compliance requirements are onerous, put an undue burden on Title X provider sites and impact their ability to continue participating in the program, and run contrary to RIDOH's mission of ensuring access to quality health services for all Rhode Islanders.

I declare under penalty of perjury that the foregoing is true and correct.

DATED March 19, 2019.



NICOLE ALEXANDER-SCOTT, MD, MPH
Director of Health
Rhode Island Department of Health